

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ROSALBA ESPINAL and JUAN RIVERA,
individually and on behalf of all others similarly
situated,

Plaintiffs,

-against-

SEPHORA USA, INC.,

Defendant.
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Case No. 1:22-cv-03034 (PAE)(GWG)

ORAL ARGUMENT
REQUESTED

NOTICE OF MOTION TO DISMISS

PLEASE TAKE NOTICE THAT, upon Sephora USA, Inc.’s Memorandum of Law in Support of Its Motion to Dismiss the First Amended Complaint, dated August 25, 2022, and all prior papers and proceedings heretofore had herein, Defendant Sephora USA, Inc. (“Sephora” or “Defendant”), hereby moves this Court for an order pursuant to Rule 12(b)(1) and (6) of the Federal Rules of Civil Procedure, dismissing the Complaint with prejudice in its entirety and awarding to Sephora such other relief as the Court deems just and proper.

Dated: New York, New York
August 25, 2022

Respectfully submitted,

OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.

By: s/ Kelly M. Cardin

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CERTIFICATE OF SERVICE

I hereby certify that on August 25, 2022, the foregoing Sephora USA, Inc.'s Notice of Motion to Dismiss Plaintiff's First Amended Complaint, and Sephora USA, Inc.'s Memorandum of Law in Support of Its Motion to Dismiss the First Amended Complaint were electronically filed with the Clerk of the District Court using the CM/ECF system, which sent notification of such filing to counsel of record for all parties.

s/ Jessica R. Schild

Jessica R. Schild